

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GARY WELLS,**

§

**Plaintiff,**

§

v.

**Civil Action No. 3:13-CV-3658-M**

**BANK OF AMERICA, N.A.,**

§

**Defendant.**

§

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

*Defendant's Motion to Dismiss and Brief in Support*, filed September 19, 2013 (doc. 4), is

**GRANTED in part and DENIED in part.** Plaintiff's claim against Defendant for an accounting is **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted. Remaining for trial are Plaintiff's claims for breach of contract, limitation of actions under Tex. Civ. Prac. & Rem. Code § 16.035, quiet title, declaratory judgment, and injunctive relief.

**SIGNED** this 12th day of September, 2014.

  
**BARBARA M. G. LYNN**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF TEXAS**